

Remarks

Claims 1-5 and 7-20 are pending in the present application. Claims 1-3 are rejected under 35 U.S.C. § 102(b). Claims 10, 11, 13-16 and 18-20 are allowed. Claims 4, 5, 7-9, 12 and 17 are objected to.

Claims 2, 8, 12, and 17 are cancelled.

New claims 21-25 are presented for Examination. Claim 21 corresponds to claim 4 written in independent form. The Examiner has indicated the allowability of claim 4 if rewritten in independent form. New claim 22 corresponds to claim 3 rewritten to depend from claim 21. Claims 23-25 correspond to original claims 5, 7 and 9 which the Examiner has also indicated are allowable if rewritten. No new matter is added by these claims.

Claims 5, 7, and 9 are amended to depend from new claim 21. Claim 1 is amended to exclude ethylene ethyl acrylate copolymers (EEA) as a selection for the copolymer.

The present invention provides a concentrate for coloring a base polyester which includes one or more colorants and from about 20 wt. % to about 80 wt. % of one or more copolymers. The copolymers include one or more of olefin/acrylate copolymer or olefin/methacrylate copolymer. The present invention overcomes many of the problems in the prior art by specifically excluding low melt viscosity resins (such as waxes). Such problems include the premature melting at the feed throat, obstruction of resin flows, and excessive screw slippage (specification, p. 2, ll. 25-28). Moreover, the processing of two materials (i.e., the low viscosity resin and the copolymer) increases the process complexity (specification, p. 3, ll. 10-12). Finally, the concentrate of the present invention when combined with a base polyester provides a polyester composition having a moisture content of less than about 0.1 wt. % as measured by total weight of the polyester composition.

1. Claim Objections

a. Claims 2, 8, 12, and 17

Claims 2, 8, 12, and 17 are objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claims 2, 8, 12, and 17 are cancelled rendering this objection moot.

b. Claims 4-5, 7, and 9

Claims 4-5, 7, and 9 are objected to as dependent upon a rejected claim.

Claim 1 is amended to exclude ethylene ethyl acrylate copolymers (EEA) as a selection for the copolymer (see argument below). Claim 1 is now allowable. Accordingly, claims 4-5, 7, and 9 no longer depend from a non-allowable claim.

New claim 21 corresponds to claim 4 written in independent form. New claims 22-25 depend from claim 21. Each of these claims should be allowable since the Examiner has indicated the allowability of original claim 4.

Claim 5, 7, and 9 have been amended to depend from new claim 21 which is allowable. Accordingly, claims 5, 7, and 9 are also allowable.

2. Rejection Under 35 U.S.C § 102(b)

Claims 1-3 are rejected as being anticipated by EP277598 (the '598 reference).

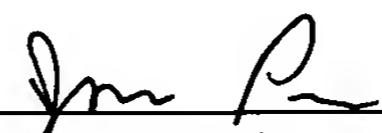
Claim 2 is cancelled.

Claim 1 is amended to exclude ethylene ethyl acrylate copolymers (EEA) as a selection for the copolymer. Therefore, the copolymer is now limited to "ethylene methyl acrylate copolymers (EMA), ethylene methyl methacrylate copolymers (EMMA), ethylene ethyl methacrylate copolymers (EEMA), ethylene butyl acrylate copolymers (EBA), or ethylene butyl methacrylate copolymers (EBMA)." (amended claim 1). The '598 reference does not disclose the utilization of any copolymers other than EEA (see for example, the '598 reference, col. 3, ll. 12 - 28, col., the examples, claim 1) . Accordingly, amended claims 1 and claim 3 are now allowable.

Conclusion

Applicants have made a genuine effort to respond to each of the Examiner's rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If a telephone or video conference would help expedite allowance or resolve any additional questions, such a conference is invited at the Examiner's convenience.

Respectfully submitted,
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